

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

COUNTY

ATTORNEY(S): Robert William Yalen AUSA : U.S. Attorney's Office - SDNY PH: 212-637-2722
 ADDRESS: 86 Chambers Street New York N.Y. 10007 File No.:

UNITED STATES OF AMERICA,
 vs.
 WILLIAM J. PEPPER, III, et al.,

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

STATE OF New York, COUNTY OF Erie SS.:

Jillina A. Kwiatkowski, being duly sworn deposes and says:

Deponent is not a party herein, is over 18 years of age. On 11/13/07 at 4:17 PM
 at 1100 WEHRLE DRIVE SECOND FLOOR WILLIAMSVILLE, NEW YORK 14221 deponent served the within

Notice of Requirement to Submit A Scheduling Order, Civil Case Discovery Plan and Scheduling Order, Summons In A Civil Case
Complaint, Notice of Pre-Trial Conference, Judges' Rules and Instructions and Procedures for Electronic Case Filing
 with Index Number 07 CIV 9835, and Date Purchased November 6, 2007 endorsed thereon,

on: MANUFACTURERS AND TRADERS TRUST COMPANY, Defendant therein named.

#1 INDIVIDUAL By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

#2 CORPORATION By delivering to and leaving with Lisa M. Licata, Banking Officer and that deponent knew the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the witness/defendant in person, and an attempt to locate the defendant's place of employment.

#3 SUITABLE AGE PERSON By delivering a true copy of each to _____ a person of suitable age and discretion.
 Said premises is recipient's [] actual place of business [] dwelling house (usual place of abode) within the state.

#4 AFFIXING TO DOOR By affixing a true copy of each to the door of said premises, which is recipient's: [] actual place of business
 [] dwelling house (place of abode) within the state.

#5 MAIL COPY On _____, deponent completed service under the last two sections by depositing a copy of the postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of _____ Certified Mail No. _____

Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on the _____ day of _____ at _____
 on the _____ day of _____ at _____
 on the _____ day of _____ at _____
 on the _____ day of _____ at _____

#6 NON-SRVC After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following: [] Unknown at Address [] Evading [] Moved left no forwarding
 [] Address does not exist [] Other: _____

#7 DESCRIPTION A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:
 (use with #1, 2 or 3) Sex Female Color of skin White Color of hair Brown Age 30-40 yrs Height 5'5-5'8
 Weight 135-140 lbs Other Features: None

#8 WIT. FEES the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

#9 MILITARYSRVC Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or of the State of _____ and was informed that recipient was not. Recipient wore ordinary civilian clothes and no military uniform.

#10 OTHER

Sworn to before me on this 14th day of November, 2007

Please Print Name Below Signature

Robert J. Mamone
Notary Public, State of NY
Qualified in Erie County
My Commission Expires April 18, 2010

Process Server

Jillina A. Kwiatkowski

Invoice•Work Order # 0755606

CAPITAL PROCESS SERVERS, INC. 265 POST AVENUE, SUITE 2050, WESTBURY, NY 11590 • TEL 516-333-6380 • FAX 516-333-6382

ATTORNEY CPS 0755606

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA

INDEX # 07 CV 9835 (SCR)**D/O/F 11/6/2007***PLAINTIFF/PETITIONER*

**AFFIDAVIT
OF
SERVICE**

WILLIAM J. PEPER, III, ET AL*DEFENDANT/RESPONDENT*

Erie County, New York State; **JILLINA A. KWIATKOWSKI** being sworn,
 says: Deponent is not a party herein, is over the age of 18 years and resides in the State of New York.

on **11/13/2007** at **04:17 PM** at **1100 WEHRLE DRIVE, 2ND FLOOR, WILLIAMSVILLE, NY 14221**
 Deponent served the within **NOTICE OF REQUIREMENT TO SUBMIT A SCHEDULING ORDER,**
CIVIL CASE DISCOVERY PLAN AND SCHEDULING ORDER

On **MANUFACTURERS AND TRADERS TRUST COMPANY** DEFENDANT

(Herein after called the recipient) therein named.

SERVICE ON A CORPORATION

A **BANKING CORPORATION** by delivering thereat a true copy of each to **LISA M. LICATA**
 personally, deponent knew said corporation so served to be the corporation described in said aforementioned document as said defendant and
 upon information and belief knew said individual to be

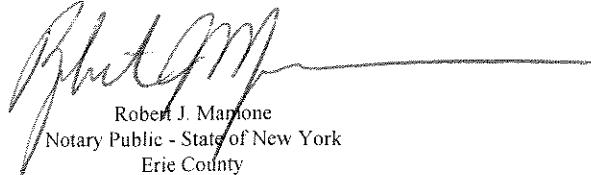
BANKING OFFICER thereof.

PHYSICAL DESCRIPTION AS FOLLOWS

FEMALE	WHITE SKIN	BROWN HAIR	36-49 YRS	5'5-5'8	131-160 LBS
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OTHER IDENTIFYING FEATURES **NONE**

Sworn to before me on **Wednesday, November 14, 2007**


 Robert J. Marone
 Notary Public - State of New York
 Erie County
 Reg # 01MA6057351
 My Commission Expires 04/16/11


 JILLINA A. KWIATKOWSKI
 AFF. # 97934